

TIPPECANOE COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
January 3, 2011

The Tippecanoe County Commissioners met on Monday, January 3, 2011 at 10:00 a. m. in the Tippecanoe Room in the County Office Building. Commissioners present were: President David S. Byers, Vice President Thomas P. Murtaugh, and Commissioner John L. Knochel. Also present were: Attorney David W. Luhman, Auditor Jennifer Weston, Commissioner's Assistant Frank Cederquist, and Secretary Kay Muse.

President Knochel called the meeting to order and led the Pledge of Allegiance.

ELECTION OF OFFICERS

Attorney Luhman stated that that the Offices of President and Vice President need to be filled by election. Attorney Luhman asked for nominations for the Office of President of the Board of Commissioners.

- Commissioner Murtaugh moved to nominate Commissioner David S. Byers to the Office of President, second by Commissioner Knochel; motion carried.

Attorney Luhman asked for nominations for the Office of Vice President.

- Commissioner Knochel moved to nominate Commissioner Thomas P. Murtaugh to the Office of Vice President, second by Commissioner Byers; motion carried.

APPROVAL OF MINUTES

- Commissioner Murtaugh moved to approve the minutes of the December 20, 2010 regular meeting as presented, second by Commissioner Knochel; motion carried.
- Commissioner Knochel moved to approve the minutes of the December 27, 2010 regular meeting as presented, second by Commissioner Knochel; motion carried.

AREA PLAN COMMISSION--Sallie Fahey

Director Fahey said three rezoning request would be presented by the petitioners or their representatives.

Ordinance 2011-01-CM, Z2439 – Kalan Homes, LLC

- Commissioner Murtaugh moved to hear Ordinance 2011-01-CM, second by Commissioner Knochel; motion carried.

Attorney Dan Teder, representing Kalan Homes, L.L.C., requested the rezoning of 5.26 acres located at Ravenswood within Hickory Ridge planned development. The Area Plan Commission has given a favorable staff report and a recommendation of 14-0 in favor of the rezone. The purpose of this change will allow the change of the building configuration on the 5.26-acre tract. The overall site is 28 acres and is currently zoned PDRS. It will consist of 24 condominium units in individual buildings located on Silverado Drive for a total of 80 units. The existing plan permits six buildings with four attached units for a total of 24 units for this particular tract. There will not be an increase in the number of units; the rezone would change the number of detached units versus attached units. Property owners in the area have approved the rezone.

Attorney Luhman stated there is a typographical error in the certification; it states that the Area Plan Commission recommends to the *Lafayette Common Council* that the proposed rezoning ordinance be approved. Director Fahey confirmed that it is a typographical error. Attorney Luhman stated for the record that it would be corrected and the Commissioners could vote on the rezone today.

(quote)

December 16, 2010

Ref. No.: 10-387

Tippecanoe County Commissioners
20 North 3rd Street
Lafayette, IN 47901

CERTIFICATION

RE: **Z-2439--KALAN HOMES, LLC (Ravenswood at Hickory Ridge PD) (PDRS to PDRS):**

Petitioner is requesting PDRS zoning on approximately 5.26 acres in the Ravenswood at Hickory Ridge Planned Development. The development will consist of 24 condominium units in individual buildings located on Silverado Drive west of CR 250 E, Wea 15 (NW) 22-4.

Dear Commissioners:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on December 15, 2010 the Area Plan Commission of Tippecanoe County voted 14 yes - 0 no on the motion to rezone the subject real estate from PDRS to PDRS. Therefore, the Area Plan Commission of Tippecanoe County recommends to the Lafayette Common Council that the proposed rezoning ordinance be APPROVED for the property described in the attachment, contingent on meeting all requirements of UZO 2-27-10 for submission of Final Detailed Plans, signed off by those noted in that section to include:

1. All sheets (other than preliminary plat) that make up the approved Preliminary Plan;
2. PD construction plans per UZO Appendix B2-2;
3. A final plat per UZO Appendix B-3-2 as applicable;
4. Appropriate surety submitted with final detailed plans;
5. A "No Vehicular Access" statement platted along Mondavi and all street rights-of-way lines except drives shown and approved by the Highway Department;
6. The Drainage Board shall approve any required drainage plans in compliance with Tippecanoe County Ordinance #2005-04-CM,

Restrictive Covenants – The following item shall be part of the planned development's covenants made enforceable by the Area Plan Commission and irrevocable by the lot owners:

1. The Declaration of Condominium Ownership of Ravenswood at Hickory Ridge Planned Development (Recorded Date: 7/22/04 as amended with supplemental).

Public Notice has been given that this petition will be heard before the Lafayette Common Council at their January 3, 2011 regular meeting. Petitioners or their representatives must appear to present their case.

Sincerely,

Sallie Dell Fahey
Executive Director

(unquote)

Auditor Weston recorded the vote:

Byers	Yes
Knochel	Yes
Murtaugh	Yes

Ordinance 2011-01-CM passes 3-0.

Ordinance 2011-02-CM, Z2440 – Milestone

- Commissioner Murtaugh moved to hear Ordinance 2011-02-CM, second by Commissioner Knochel; motion carried.

Attorney Dan Teder, representing Milestone Contractors, L.P., stated that this 65.52 acre tract is currently zoned I3, this request would rezone the property back to A. Milestone will be keeping their asphalt plant on SR 25N and their offices at the current location on CR 350. The land is currently in crop production and Milestone has received an offer on the property from an adjoining farmer. Property owners in the area have expressed their approval of the rezone.

Commissioner Murtaugh thanked Mr. Teder and Mr. Gross for addressing the concerns of the neighbors in the area.

President Dave Byers asked for public comment on the rezone.

Robert Grove, 4034 *Strawsma Drive*, said he is in favor of the rezone. He went on to thank Milestone, Mr. Teder, Area Plan Commission, and the County Commissioners for their efforts in this rezone.

(quote)

December 16, 2010
Ref. No.: 10-388

Tippecanoe County Commissioners
20 North 3rd Street
Lafayette, IN 47901

CERTIFICATION

RE: **Z-2440--MILESTONE CONTRACTORS, LP (I3 to A):**

Petitioner is requesting rezoning of 65.52 acres located north of CR 300 N between CR 400 E and 500 E (on the north side of the future Hoosier Heartland Highway) in Fairfield 1 (SW) 23-4.

Dear Commissioners:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on December 15, 2010 the Area Plan Commission of Tippecanoe County voted 14 yes - 0 no on the motion to rezone the subject real estate from I3 to A. Therefore, the Area Plan Commission of Tippecanoe County recommends to the Tippecanoe County Commissioners that the proposed rezoning ordinance be APPROVED for the property described in the attachment.

Public Notice has been given that this petition will be heard before the Tippecanoe County Commissioner at their January 3, 2011 regular meeting. Petitioners or their representatives must appear to present their case.

Sincerely,

Sallie Dell Fahey
Executive Director

(unquote)

Auditor Weston recorded the vote:

Byers	Yes
Knochel	Yes
Murtaugh	Yes

Ordinance 2011-02-CM passes 3-0.

Ordinance 2011-03-CM, Z2441 – William and Patricia Joiner

- Commissioner Murtaugh moved to hear Ordinance 2011-03-CM, second by Commissioner Knochel; motion carried.

Mr. William Joiner requested his property totaling 28 acres and located on the corner of CR 450 S and 450 E be zoned to agriculture. He went on to say that he has been unable to sell the property under the current zoning of I3 due to the current economic condition. Although the value of the property will decrease with the rezone he would like to sell the property and purchase a smaller home for him and his wife.

(quote)

December 16, 2010
Ref. No.: 10-389

Tippecanoe County Commissioners
20 North 3rd Street

Lafayette, IN 47901

CERTIFICATION

RE: **Z-2441--WILLIAM & PATRICIA JOINER (I3 to A):**

Petitioners are requesting rezoning of 26.8 acres located on the northwest corner of CR 450 S and 450 E in Wea 13 (NW) 22-4.

Dear Commissioners:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on December 15, 2010 the Area Plan Commission of Tippecanoe County voted 10 yes - 4 no on the motion to rezone the subject real estate from I3 to A. Therefore, the Area Plan Commission of Tippecanoe County recommends to the Tippecanoe County Commissioners that the proposed rezoning ordinance be APPROVED for the property described in the attachment.

Public Notice has been given that this petition will be heard before the Tippecanoe County Commissioners at their January 3, 2011 regular meeting. Petitioners or their representatives must appear to present their case.

Sincerely,

Sallie Dell Fahey
Executive Director

(unquote)

Auditor Weston recorded the vote:

Byers	Yes
Knochel	Yes
Murtaugh	Yes

Ordinance 2011-03-CM passes 3-0.

Ordinance 2011-04-CM, *UZO Amendment #71* – Sallie Fahey

- Commissioner Murtaugh moved to hear Ordinance 2011-04-CM, second by Commissioner Knochel; motion carried.

Director Fahey said Ordinance 2011-04-CM has two sections. Section one is a correction to an error in the buffer yard table. The office of Lafayette City Engineers discovered the error. The current table requires there be a buffer yard between I2 zoned lands and abutting I2 zoned land. The amendment

would not require a buffer yard between abutting land zoned I2 and between I1 and I2 land. However there would be a buffer yard where I3 land abuts I1 or I2 because of heavier uses permitted with I3 zoning. Section two would replace the map found in Appendix A, which shows the urbanized sewer area in the City of Lafayette. In the anticipation of the new MRI zoning districts, changes have been made to the map extending the area.

Commissioner Byers asked for public comments on the rezone. No comments were given.

Auditor Weston recorded the vote:

Byers	Yes
Knochel	Yes
Murtaugh	Yes

Ordinance 2011-04-CM passes 3-0.

RESOLUTION 2011-01-CM, Establishing Regular Meeting Dates

See Appendix A

- Commissioner Knochel moved to approve Resolution 2011-01-CM as presented, second by Commissioner Murtaugh; motion carried.

RESOLUTION 2011-02-CM, Appointments to various County positions

See Appendix B

- Commissioner Knochel moved to approve Resolution 2011-02-CM as presented, second by Commissioner Murtaugh; motion carried.

RESOLUTION 2011-03-CM, Appointments to various boards, councils, commissions and other bodies

See Appendix C

- Commissioner Knochel moved to approve Resolution 2011-03-CM as presented, second by Commissioner Murtaugh; motion carried.

COMMISSIONER'S APPOINTMENTS

President Dave Byers read the appointments and asked for comments.

Commissioner Knochel stated that the President of the Commissioners is usually appointed to the GIS Policy Committee and the Lafayette Housing Consortium. Commissioner Byers accepted the GIS Policy Committee and the Lafayette Housing Consortium.

Appointments are as follows:

David Byers

Area Plan Commission

LEPC

Convention & Visitors Bureau

Drainage Board

MITS Advisory Board
 Emergency Management Advisory Council
 Wildcat Creek Solid Waste District
 Community Correction Advisory Board
 Lafayette Housing Consortium
 GIS Policy Committee

Tom Murtaugh

Area Plan Commission
 Drainage Board
 Cary Home Advisory Board
 Ambulance Advisory Committee
 Joint Purchasing committee
 MITS Advisory Board
 Wildcat Creek Solid Waste District
 Child Protective Team
 Wabash River Enhancement Corp
 Human Resources Committee

John Knochel

Drainage Board
 Hoosier Heartland Corridor
 MITS Advisory Board
 Redevelopment Commission
 Solid Waste Advisory Board
 Homeland Security
 TERF Board
 Wildcat Creek Solid Waste District

- Commissioner Murtaugh moved to approve the appointments as read with the exception of the GIS Policy Committee and the Lafayette Housing Consortium being appointed to President Dave Byers, second by Commissioner Knochel; motion carried.

AWARDING OF BID – Cattle Barn Project

- Commissioner Murtaugh moved to grant the contract to the low bid of \$322, 943.00 by Fairfield Contractors Inc. for the Cattle Barn Project, second by Commissioner Knochel; motion carried.

MITIS – Dave Sturgeon

Microsoft Enterprise Agreement Renewal

Director Sturgeon said cost is slightly higher than the previous agreement due to the addition of computers. However, the Microsoft office portion has been removed reducing the cost by \$55,000 per year for the next three years. The Microsoft Office portion would be reviewed in three years and reinstated if needed. The agreement is in the amount of \$91,530.72.

- Commissioner Murtaugh moved to approve the renewal of the Microsoft Enterprise Agreement as presented, second by Commissioner Knochel; motion carried.

Courtview & Uniface License(s), Support and Maintenance Agreement

Director Sturgeon said this agreement is for the licensing fee for Courtview. There are currently 99 connections and an additional 21 connections are needed. He added that this item was budgeted for 2011.

- Commissioner Murtaugh moved to approve the Courtview & Uniface License(s), Support and Maintenance Agreement as presented, second by Commissioner Knochel; motion carried.

BOARD OF ELECTION & REGISTRATION – Christa Coffey **Service Provider for Election Equipment**

Clerk Christa Coffey requested that Dominion Voting Systems, Inc. and Governmental Business Systems, Inc. be the provider of Premier Voting Equipment System products, services, and parts. The effective date is January 3, 2011.

- Commissioner Murtaugh moved to approve Dominion Voting Systems, Inc. and Governmental Business Systems, Inc. for the election equipment as presented, second by Commissioner Knochel; motion carried.

GRANTS – Laurie Wilson

Grant Facilitator Laurie Wilson asked permission to accept a \$15,000 grant for Circuit Court. It is an Indiana Supreme Court Grant for the Family Court Project. Ms. Wilson added that this is an ongoing project.

- Commissioner Knochel moved to accept the grant as presented, second by Commissioner Murtaugh; motion carried.

Grant Facilitator Laurie Wilson asked permission to accept a \$20,000 grant for Cary Home. It is an Indiana Criminal Justice Institute Grant for the Disproportionate Minority Contact project.

- Commissioner Murtaugh moved to accept the grant as permitted, second by Commissioner Knochel; motion carried.

Grant Facilitator Laurie Wilson requested permission to apply for a \$49,000 grant from Indiana Criminal Justice Institute for the Sheriff's department. It is for the School Resource Office project.

- Commissioner Murtaugh moved to grant permission to apply for the grant as presented, second by Commissioner Knochel; motion carried.

Grant Facilitator Laurie Wilson requested permission to apply for a \$25,000 grant for the Probation Department. It is from the Indiana Criminal Justice Institute and is for the Pregnancy Prevention Probation Project.

- Commissioner Murtaugh moved to grant permission to apply for the grant as presented, second by Commissioner Knochel; motion carried.

Grant Facilitator Laurie Wilson requested permission to apply for a fifty percent salary reimbursement Emergency Management Performance Grant for TEMA. The grant could reimburse 50% of three TEMA employee salaries. The amount of the grant is based on performance indicators.

- Commissioner Murtaugh moved to grant permission to apply for the Emergency Management Performance Grant as presented, second by Commissioner Knochel; motion carried.

COURTHOUSE WINDOW RESTORATION CONTRACT

Commissioner Murtaugh said that the restoration of the courthouse windows has been on the capital improvement project list for a few years. When comparing replacement windows against restoration of the wood windows, the original wood windows have held up much better than the fifth floor vinyl windows that were replaced in the 1980's. The cost for replacement windows would be approximately \$1,600,000.00 and the approximate cost for restoration would be \$857,000. This contract proposes to move forward with the restoration of the windows and the replacement of the fifth floor windows with similar wood windows. The contract is in the amount of \$41,400; \$7,800 for the pre-construction phase and \$33,600 is for the construction management phase. The project may possibly be ready for bid by spring.

- Commissioner Murtaugh moved to approve the contract with Kettlehut Construction, Inc. for the Courthouse Window Restoration Project as presented, second by Commissioner Knochel; motion carried.

VILLA – Application

- Commissioner Knochel moved to accept Ruth A. Vaughn to the Tippecanoe Villa as presented, second by Commissioner Murtaugh; motion carried.

APPOINTMENT – Common Wage Board

- Commissioner Murtaugh moved to appoint Dave Lahr to the Common Wage Board, second by Commissioner Knochel; motion carried.

UNFINISHED / NEW BUSINESS

Accounts Payable Vouchers

Commissioner's Assistant Frank Cederquist recommended approval of accounts payable vouchers for December 29, and 30, 2010 as submitted with no exception.

- Commissioner Murtaugh moved to approve the accounts payable vouchers as presented, second by Commissioner Knochel; motion carried.

Sentinel Offender Services Drug Screen Collection Service Agreement

- Commissioner Knochel moved to take the Sentinel Offender Services Drug Screen Collection Service Agreement off the table, second by Commissioner Murtaugh; motion carried.

Director Kipp Scott presented a modified version of the contract with Sentinel Offender Services Drug Screen Collection Service for approval. The portion of the contract requiring a minimum of 1100 drug screens per month has been changed as follows:

The Customer anticipates the average number of drug screens to meet or exceed 1100 per month. Any material change in the scope of service may allow for price modifications and/or operational adjustments that are mutually agreed upon by all parties.

This could allow for an increase in cost of the drug screens to the clients and could result in a reduction of hours. He went on to say that during the period of January 15, 2010 through December 29, 2010, the total number of drug screens is slightly below 15,000 therefore he does foresee this to be an issue. Sentinel would be responsible for the fee collection of the drug screening.

Coordinator Lisa Smith presented a letter of consent from the owner of the building that houses Court Services. It allows Sentinel to sublease a portion of the space occupied by Court Services.

Attorney Luhman said that he has reviewed the amendment to the contract with Sentinel and has no concerns with those changes.

- Commissioner Murtaugh moved to approve the Sentinel Offender Services Drug Screen Collection Service Agreement as revised, second by Commissioner Knochel; motion carried.

REPORTS ON FILE

Crystal Creek Kennel
Clerk
Wabash River Heritage Commission
Parks & Recreation

Reports are available in the Commissioner's Office.

PUBLIC COMMENT

Paul Wright, *West Point*, asked if the County has considered accepting private donations for the cattle barn in exchange for a plaque being placed at the cattle barn.

Commissioner Byers said there has been some interest from two separate organizations in making a donation.

Craig Osborn, *Cattlemen's Association*, asked if funds for the tie gates have been secured.

Commissioner Byers stated that he did not have that information at this time.

TEMA DIRECTOR

Commissioner Byers said the TEMA Board Members have been interviewing applicants for the TEMA Director position that recently became available. Three candidates will be recommended to the Commissioners for a final decision. Today's meeting will recess and reconvene tomorrow January 4, 2011 at 9:00 a. m. to allow their decision.

- Commissioner Murtaugh moved to recess until 9 a.m. tomorrow January 4, 2011, second by Commissioner Knochel; motion carried.

JANUARY 4, 2011– MEETING RECONVENED

President Byers called the meeting to order.

LEGAL SERVICES 2011

- Commissioner Murtaugh moved to renew the contract for legal services with the offices of Hoffman, Luhman, and Masson for 2011, second by Commissioner Knochel; motion carried.

TEMA DIRECTOR

Commissioner Byers said the TEMA Board Members recommended three candidates for the TEMA Director position.

- Commissioner Murtaugh moved to approve William Smokey Anderson as the TEMA Director for 2011, second by Commissioner Knochel; motion carried.


Commissioner Murtaugh said having worked with Mr. Anderson as Sheriff he is looking forward to working with him again. He also noted that Mr. Anderson is greatly respected in the community.

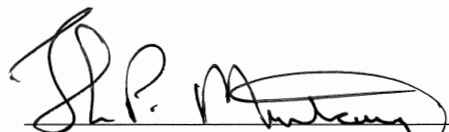
Commissioner Knochel welcomed Mr. Anderson, adding that he is a great asset to the community.

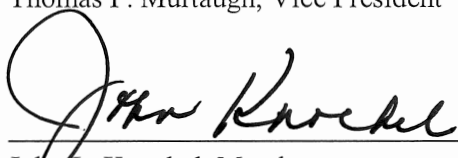
William Smokey Anderson stated that although it was difficult to leave the Sheriff's Department after 33 years he is looking forward to putting that experience to work for TEMA. He thanked the Commissioners for their vote of confidence.

Commissioner Murtaugh moved to adjourn.

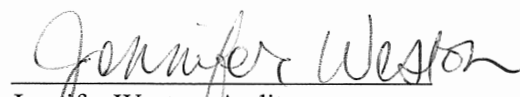
**BOARD OF COMMISSIONERS OF
THE COUNTY OF TIPPECANOE**


David S. Byers, President


Thomas P. Murtaugh, Vice President


John L. Knochel, Member

ATTEST:


Jennifer Weston, Auditor 1-18-2011